

PATENT

Attorney Docket No. 021756-005300US
Client Ref. No. OID-2003-319-01
ORACLE CONFIDENTIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Srinivasulu Puri et al.

Application No. 10/731,623

Filed: December 8, 2003

For: METHOD AND SYSTEM FOR
DETERMINING IF AN ELECTRONIC
SIGNATURE IS NECESSARY IN
ORDER TO COMMIT A
TRANSACTION TO A DATABASE

Customer No. 51206

Confirmation No. 8904

Examiner: David Garcia Cervetti

Technology Center/Art Unit: 2136

PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 C.F.R.
§1.181(a)

or in the alternative

PETITION TO REVIVE AN
UNINTENTIONALLY ABANDONED
APPLICATION UNDER 35 C.F.R. §1.37(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned petitions the Commissioner under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment made in the above-cited application, based on the following facts. If the Commissioner determines that a petition under 37 C.F.R. §1.181(a) is not appropriate, the undersigned petitions to Commissioner to treat this as a Petition to Revive an Unintentionally Abandoned Application UNDER 37 C.F.R. §1.37(b).

Applicants contend that the Application is not in fact abandoned because there is a disagreement as to the sufficiency of the reply to the Final Office Action mailed August 26, 2008.

On August 26, 2008, a Final Office Action was mailed for the above-cited application. The subject Office Action indicated that pending claims 1-27 would be allowable over the prior art. The subject Office Action further maintained a provisional rejected of claims

1-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 10/731,299 (now issued U.S. Patent No. 7,694,143 on April 6, 2010) and claims 1-26 of copending Application No. 10/731,655.

On October 22, 2008, Applicants caused an Amendment to be duly filed that was responsive to the Final Office Action. Applicants argued that M.P.E.P. § 804(I)(B) instructs that a “provisional” double patenting rejection should continue to be made by an Examiner in each application as long as there are conflicting claims in more than one application unless that “provisional” double patenting rejection is the only rejection remaining in at least one of the applications. Applicants requested the Examiner withdraw the rejection since the provisional double patenting rejection was the only remaining rejection in the present Application.

On October 22, 2008, an Advisory Action was mailed for the above-cited application advising Applicants that M.P.E.P. § 804(I)(B)(1) was not applicable as each of the subject application were filed on the same day. The Examiner further failed to make a determination, if both applications are filed on the same day, which application claims the base invention and which application claims the improvement. The Advisory Action merely advised that neither one of the subject applications was a “base” application or an “improvement” application.

On January 30, 2008, as advised in the Advisory Action, Applicants caused Terminal Disclaimers to be filed. While no fee is believed due for these terminal disclaimers a petition for an extension of time is requested and the Commissioner is authorized to deduct any necessary fees from Deposit Account No. 20-1430 to avoid abandonment of the above-cited application.

Alternatively, Applicants respectfully submit that Applicants’ timely submission of the requested terminal disclaimers constitute a bona fide attempt to advance the Application to a notice of allowance as the filing of the terminal disclaimers were the only outstanding requirements. Accordingly, if consideration of some matter or compliance with some

Application No. 10/731,623
Petition to Withdraw Holding of Abandonment (No Fee)
Reply to Abandonment dated November 20, 2009

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requirement has been inadvertently omitted, Applicants respectfully submit that the entire delay was unintentional.

No fee is believed due for this petition according to MPEP §711.03(c). However, the Commissioner is authorized to deduct any necessary petition fee from Deposit Account No. 20-1430. The Commissioner is also authorized to deduct any other fees required to avoid abandonment of the above-cited application from that Deposit Account and treat any concurrent or future reply, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.

Respectfully submitted,

/Sean F. Parmenter, Reg. No. 53,437/
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